

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TING YAO LIN, FANG LIN, SHENG LAN LI, MU LEI
XIE, TING JIA XIE, and XIE XIN YONG,

Plaintiffs,

v.

HAYASHI YA II, INC. d/b/a HAYASHI YA, HAYASHI
YA OF 9 AVENUE, LLC d/b/a HAYASHI YA, FENG
LIN, and YANG QING,

Defendants.

08 Civ. 6071 (SAS)

**AFFIDAVIT OF PATRICK
RIDEOUT IN SUPPORT
OF PLAINTIFFS' REQUEST
FOR CERTIFICATE OF
DEFAULT AGAINST
DEFENDANT HAYASHI YA
OF 9 AVENUE, LLC**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Patrick Rideout, being duly sworn, deposes and says:

1. I am a member of the bar of this Court in good standing and counsel to Plaintiffs. I submit this declaration in support of Plaintiffs' request for a certificate of default against Defendant Hayashi Ya of 9 Avenue, LLC.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.

3. On July 15, 2008, Plaintiffs filed the Affidavit of Di Cong Jiang (attached hereto as Ex. A) stating that Hayashi Ya of 9 Avenue, LLC, was served in this action on July 9, 2008, when Di Cong Jiang delivered copies of the Summons and Complaint, the Individual Rules and Procedures of Judge Shira A. Scheindlin, ECF procedures, and Individual Practices of

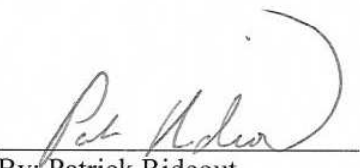
Magistrate Judge Andrew J. Peck to Nikki Ni, Managing Agent of Defendant Hayashi Ya of 9 Avenue, LLC.

4. The time within which Defendant Hayashi Ya of 9 Avenue, LLC, was to answer or otherwise respond to the Complaint has expired, and Defendant Hayashi Ya of 9 Avenue, LLC, has failed to plead or otherwise defend the above-captioned action.

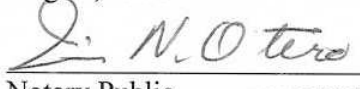
5. Defendant Hayashi Ya of 9 Avenue, LLC, is a limited liability company and is not an infant, in the military, or an incompetent person.

WHEREFORE, I respectfully ask that the clerk execute the proposed Clerk's Certificate.

Dated: New York, New York
August 19, 2008


By: Patrick Rideout
(patrick.rideout@skadden.com)

Sworn to and subscribed to
before me this 19th day of
August, 2008


Notary Public

IRIS N. OTERO
Notary Public, State of New York
No. 31-4629652
Certificate filed in New York County
Commission Expires

9/30/2010